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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/847,010   | 05/01/2001  | Perry A. Frey        | 032026-0476D        | 5359             |
| 23524  | 7590        | 10/06/2005           | EXAMINER            |                  |
| FOLEY & LARDNER<br>150 EAST GILMAN STREET<br>P.O. BOX 1497<br>MADISON, WI 53701-1497 |             |                      | ART UNIT            | PAPER NUMBER     |

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER |
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DATE MAILED:

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**Commissioner for Patents**

The reply filed on 4/13/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have failed to respond to the previous rejection of claims 49-51 under 35 USC. 112 for new matter. Specifically applicants have not responded to the previous determination that the genus of those methods of use of those lysine 2,3-aminomutases other than those from clostridium subterminale SB4, are supported by the specification at the time of filing. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Hutson whose telephone number is (571) 272-0930. The examiner can normally be reached on 7:30 am to 4:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard G Hutson, Ph.D.  
Primary Examiner  
Art Unit: 1652